

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANGEL B. DONE,

Plaintiff,

-against-

HSBC BANK USA as Trustee, et al.,

Defendants.

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ORDER

CV 09-4878 (JFB)(ARL)

LINDSAY, Magistrate Judge:

Before the court is the defendants' application seeking to strike the plaintiff's sur-reply filed on May 5, 2010. On January 5, 2010, Judge Bianco set forth a briefing schedule for the defendants' motion to dismiss. The briefing schedule was subsequently extended at the plaintiff's request by order dated March 4, 2010. Neither briefing schedule contemplated the submission of sur-replies and the undersigned does not believe that the sur-reply submitted by the plaintiff will assist the court in resolving the underlying motion. Accordingly, the court will not consider the sur-reply or the defendants' response to the sur-reply set forth in the instant application.

The defendants are directed to serve a copy of this order on the plaintiff.

Dated: Central Islip, New York
May 14, 2010

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge